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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,064	10/11/2005	Ingo Kalliske	076326-0303	3373
23428 7590 09/02/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
AMORES, KAREN J				
ART UNIT		PAPER NUMBER		
3616				
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09/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,064

Applicant(s)

KALLISKE ET AL.

Examiner

KAREN AMORES

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 7/25/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. The information disclosure statement (IDS) submitted on 25 July 2008 was filed after the mailing date of the Notice of Allowance on 26 June 2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
2. The indicated allowability of claims 2 – 22 is withdrawn in view of the newly discovered reference(s) to Ozaki et al. JP 11 099 906 (“Ozaki”). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 2 – 13 and 16 – 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki. Ozaki discloses a hinge (11) for connecting a hood to a vehicle body,
5. having at least one hinge carrier arranged on the vehicle body,
6. at least one hinge arm arranged on the hood, and
7. at least one connecting part for a pivotable connection (5) of the at least one hinge arm to the at least one hinge carrier,
8. wherein the hinge is configured so that the pivotable connection of the at least one hinge arm to the at least one hinge carrier is released in an event of an accident by removal and/or

destruction of the at least one connecting part due to forces acting in a direction of a pivot axis of the hinge (fig. 4).

9. In reference to claims 4 – 13, 16, and 17, Ozaki further discloses the at least one connecting part is guided in at least one socket on the at least one hinge arm and in at least one socket on the at least one hinge carrier and, in the event of an accident (fig. 8), is removed from at least one socket; wherein the at least one connecting part is designed as a bolt (5) which is pulled out of at least one of the sockets; wherein at least one actuating device is provided for actuating the at least one connecting part in the event of an accident (fig. 10); wherein the at least one actuating device inherently comprises a pyrotechnic element (19); wherein the at least one actuating device is an inflatable airbag (19) and/or a gas-conducting element; wherein the airbag and/or the gas-conducting element acts on the at least one connecting part via at least one transmission element; wherein the at least one transmission element is designed as a lever (1); wherein on filling with gas, the airbag and/or the gas-conducting element, owing to its expansion, exerts a push or a pull on the at least one connecting part and/or the at least one transmission element (fig. 10); wherein the at least one hinge carrier has at least one socket which corresponds with the at least one connecting part and is configured to release the at least one connecting part in the event of an accident (fig. 13); wherein the at least one hinge carrier has at least one moveable hinge carrier part which, in the event of an accident (fig. 4), is moved in relation to at least one fixed hinge carrier part in such a manner that the at least one connecting part accommodated therein comes free (fig. 10); wherein at least one limiting device is arranged for limiting the relative movement between the at least one hinge carrier and at least one hinge

arm; and wherein the at least one limiting device is a rebound strap and/or a lever (9) guided in a coulisse.

10. In reference to claim 3, Ozaki discloses a hinge for connecting a hood to a vehicle body, comprising:

11. at least one hinge carrier arranged on the vehicle body,

12. at least one hinge arm arranged on the hood, and

13. at least one connecting part for a pivotable connection (5) of the at least one hinge arm to the at least one hinge carrier,

14. wherein the hinge is configured so that the pivotable connection of the at least one hinge arm to the at least one hinge carrier is released in an event of an accident by removal and/or destruction of the at least one connecting part (fig. 13), wherein the at least one connecting part is designed as an explosive bolt or shear bolt (5).

15. In reference to claim 18, Ozaki discloses an airbag (19) for opening a hood connected by a hinge to a vehicle body wherein the airbag is configured to release the hood from the vehicle body using forces generated by the airbag that act in a direction of a pivot axis of the hinge when the airbag is deployed in a region of the hinge.

16. In reference to claims 19 – 21, Ozaki further discloses airbag regions are arranged directly on the hinge; wherein the airbag, when deployed, is first of all deployed in the airbag regions arranged on the hinge; wherein a gas-conducting system is inherently arranged in an interior of the airbag (fig. 8), and wherein the gas conducting system conducts gas used for the deployment into the airbag regions arranged on the hinge.

Claim Rejections - 35 USC § 103

17. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

18. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki in view of Sasaki, U.S. 6,257,657 ("Sasaki"). Ozaki discloses the at least one connecting part is disengaged from the at least one hinge carrier by deformation. Ozaki does not disclose at least one hinge arm has a deformation region for a specific deformation of the at least one hinge arm in the event of an accident. Sasaki teaches a hinge arm having a deformation region (50). It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Ozaki such that it comprised the deformation region in view of the teachings of Sasaki so as to reduce rattling when the hood is closed (column 2, line 30).

19. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki in view of Knight-New-Bury et al. WO 03/086826 ("Knight-New-Bury"). Ozaki does not disclose the gas-conducting system is a gas lance. Knight-New-Bury teaches a gas lance (86). It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Ozaki such that it comprised the gas-conducting system in view of the teachings of Knight-New-Bury in an alternative way to provide the actuation of the gas-conducting system simultaneously with the hinge.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 25 July 2008 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571)-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAREN AMORES
Examiner
Art Unit 3616

/KAREN AMORES/
Examiner, Art Unit 3616

/Paul N. Dickson/
Acting SPE of Art Unit 3616